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HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

Coram :- HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION NO. 1466 OF 2007

PETITIONER Bhim Sen Patel, aged about 44 years, Son of Shri Ramdhin Patel, Resident of near Police Line Bastar, Dist. Bastar CG.

Versus

RESPONDENTS

1) The State of Chhattisgarh, through the Secretary, Department of Home, D.K.S. Bhawan, Raipur (CG).

2) Director General of Police, Police, Head Quarter, Raipur, CG.

3) Inspector General of Police, Bastar, District Bastar (CG).

4) Deputy Inspector General of Police, Bastar, District Bastar, (CG).

5) Superintendent of Police, Bastar, District Bastar, CG.

6) Assistant Superintendent of Police, Bastar, District Bastar CG.

Present: Shri Gautam Khetrapal, counsel for the petitioner.
Shri Sumesh Bajaj, Govt. Advocate for the respondents/State.

ORAL ORDER
(Passed on 13th March 2007)

The following oral order of the Court was passed by H.L. Dattu, C.J.

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In this writ petition filed under Article 226/227 of the Constitution, petitioner calls in question the order passed by the respondent authority dated 23-1-1985. By the impugned order, the respondent authority had dismissed the petitioner from service.

2) The brief facts are :

The petitioner was working as a Police Constable, which is a disciplined force. After holding a detailed enquiry, the respondent had passed an order dated 23-1-1985 dismissing the petitioner from service. This order was called in question by the petitioner before this Court in writ petition No.2840/2003. The learned single Judge has rejected the writ petition on the ground that the petitioner while filing the writ petition had suppressed some material facts. It, however, had granted liberty to the petitioner to file a fresh petition, if the petitioner so desires, subject to the petitioner properly explaining the delay in filing a fresh writ petition.

3) Admitted facts are that the petitioner was a Constable and was dismissed from service on 23-1-1985. For the first time, he approached this Court in the year 2003 by filing a writ petition No.2480/2003. In the said writ petition, petitioner had not stated that he had already filed an application before the State Administrative Tribunal, inter alia, calling in question the order of dismissal passed by the respondent authorities some time in the year, 1985. It was expected of the petitioner to have stated all the material particulars pertaining to the case including his approaching the State Administrative Tribunal by filing an application and the result of the said application in the writ petition filed before this Court.

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4) The discretionary relief of this Court cannot be extended to a person who comes to the Court with unclean hands. This principle is adopted by the High Courts as well as by the Supreme Court. In the instant case, the petitioner when he filed a writ petition before this Court ought to have brought to the notice of this Court about his filing an application before the State Administrative Tribunal against the order passed by the respondent authority dated 23-1-1985.

5) Though liberty was granted to the petitioner to file a fresh writ petition, learned single Judge in his operative order has made it clear that the same is subject to the limitation. In the writ proceedings there is no limitation as such, but it is expected of a party to approach this Court seeking relief under Article 226 of the Constitution within a reasonable time. In the instant case, the order of dismissal is of the year, 1985. The writ petition filed now is in the year 2007. There is an inordinate delay in filing the writ petition and that delay is not properly explained. In that view of the matter, we cannot entertain this writ petition and the same requires to be rejected. Accordingly, the writ petition stands rejected. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge